

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT NEW YORK

-----X
BEASTIE BOYS, et al.,

Plaintiffs,

- against -

MONSTER ENERGY COMPANY,

Defendant.
-----X

12 Civ. 6065 (PAE)

STIPULATION

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned attorneys for defendant Monster Energy Company and plaintiffs Beastie Boys et al. that the following exhibits were introduced at trial in the above-captioned matter:

Plaintiffs' Exhibits In Evidence

Exh. No.	Exhibit Description	Date
100	Certificate of Copyright Registration, Registration No. SRu 154-345	January 27, 1989
101	Sound recording of the music album "Paul's Boutique" which contains the sound recording of the song "Looking Down the Barrel of a Gun"	July 25, 1989
102	Sound recording of the music album "Check Your Head" which contains the sound recordings of the songs "Pass the Mic" and "So What'Cha Want"	April 21, 1992
103	Certificate of Copyright Registration, Registration No. PA 618-789	May 20, 1993
104	Certificate of Copyright Registration, Registration No. PA 640-261	May 20, 1993
105	Certificate of Copyright Registration, Registration No. PA 640-257	May 20, 1993

Exh. No.	Exhibit Description	Date
106	Sound recording of the music album “Ill Communication” which contains the sound recording of the song “Sabotage”	May 24, 1994
107	Certificate of Copyright Registration, Registration No. PA 721-110	August 12, 1994
108	Certificate of Copyright Registration, Registration No. SR 197-458	April 10, 1995
109	Certificate of Copyright Registration, Registration No. SR 213-461	September 11, 1995
110	December 2, 1999, Recording Agreement between Capitol Records and Beastie Boys	December 2, 1999
113	License for “Sabotage” in connection with the motion picture “Hancock”	April 3, 2008
115	License for “Sabotage” in connection with the motion picture “Star Trek XI”	May 8, 2009
119	Sound recording of music album “Hot Sauce Committee Part Two” which contains the sound recordings of the song “Make Some Noise”	April 27, 2011
121	Certificate of Copyright Registration, Registration No. SR 676-386	May 4, 2011
124	License for “Make Some Noise” in connection with the motion picture “21 Jump Street”	September 23, 2011
126	Certificate of Copyright Registration, Registration No. PA 1-767-284	November 17, 2011
127	License for “Make Some Noise” in connection with the motion picture “Jack and Jill”	December 8, 2011
130	Z-Trip Agreement for Ruckus in the Rockies 2012 Show	February 29, 2012
132	Email chain between D. Pendygrasse, C. Larsen, N. Phillips, and J. Vaillancourt	May 8, 2012
133	Email chain between N. Phillips, C. Larsen, D. Pendygrasse, and J. Vaillancourt	May 8, 2012
134	Email chain between Z. Sciacca and N. Phillips	May 9, 2012
135	Email from D. Pendygrasse to L. Nichols, R. Hartsfield, N. Phillips, and J. Vaillancourt	May 9, 2012

Exh. No.	Exhibit Description	Date
136	Email chain between R. Hartsfield and J. Vaillancourt	May 9, 2012
137	Email chain between N. Phillips, C. Larsen, D. Pendencygrasse, and J. Vaillancourt	May 9, 2012
140	Email chain between N. Phillips, C. Larsen, D. Pendencygrasse, J. Vaillancourt, B. Harper, and Z. Sciacca	May 9, 2012
142	Email chain between J. Vaillancourt, N. Phillips, D. Pendencygrasse, C. Larsen, B. Harper, and Z. Sciacca	May 9, 2012
144	Email from J. Vaillancourt to N. Phillips, D. Pendencygrasse, B. Harper, L. Everest, D. Phillips	May 9, 2012
145	Email from D. Pendencygrasse to Dano Monster Energy (REDACTED)	May 9, 2012
146	Email from D. Pendencygrasse to Dano Monster Energy (REDACTED)	May 9, 2012
147	Email from D. Pendencygrasse to D. Kwasney, N. Phillips, and L. Everest	May 9, 2012
149	Email from Z. Sciacca to N. Phillips	May 10, 2012
150	Facebook post by Monster Energy	May 13, 2012
158	Email chain between J. Vaillancourt, N. Phillips, P. Dechary, L. Nichols, S. Pontrelli, S. Wallace, and G. Hall	June 13, 2012
164	Email from N. Phillips to S. Jarrett	June 26, 2012
165	Email chain between D. Pendencygrasse and N. Phillips	June 26, 2012
170	Email from N. Phillips to T. Andrew and L. Everest	July 9, 2012
175	Email chain between R. Hartsfield and L. Nichols (REDACTED)	August 11, 2012
177	Email chain between N. Calvesbert and L. Nichols	August 11, 2012
189	Email chain between B. Hamilton, D. Dietrich and D. Ray	August 12, 2012

Exh. No.	Exhibit Description	Date
191	Email from N. Calvesbert to J. Beasley	August 12, 2012
195	Email from B. Hamilton to K. Curtis	August 14, 2012
196	Email from C. Nichols to C. Nichols (REDACTED)	August 15, 2012
198	Email chain between B. Hamilton and C. Schofield	August 20, 2012
200	Youtube screen shot of Ruckus in the Rockies Video	August 22, 2012
201	Beastie Boys Trademark Registration, Registration No. 4,197,406	August 28, 2012
202	Copyright Assignment and accompanying Certificate of Recordation and Document Cover Sheets	September 1, 2012
206	Email chain between P. Smith, R. Kelley, J. Silva, S. Kohn, B. Semanovich, D. James, and E. Woodall (REDACTED)	April 30, 2013
210	Monster Social Media Guide	
211	Ruckus in the Rockies 2012 Video	
219	Chart of License Fees	
220	Chart of License Fees	
221	Monster 2011 Game Plan	
235	Screen shot from http://www.monsterenergy.com/us/en/sports/snowboarding/	
236	Screen shot from http://www.monsterenergy.com/us/#!/pages%3Aterms	
238	Screen shot from http://www.monsterenergy.com/us/#!/pages%3Aabout	
245	Screen shot from http://www.monsterarmy.com/programs/	

Exh. No.	Exhibit Description	Date
249	Screen shot from https://www.youtube.com/user/monsterenergy	
252	License for “No Sleep Till Brooklyn” in connection with the motion picture “Cop Out”	March 1, 2010
253	License for “Sabotage” in connection with the motion picture “Horrible Bosses”	August 4, 2011
254	License for “Sabotage” in connection with the motion picture “This Means War”	February 9, 2012
263	May 19, 1986, Brooklyn Dust Music Business Certificate for Partners	May 19, 1986
264	May 19, 1986, Beastie Boys Business Certificate for Partners	May 19, 1986
265	Schedule showing Beastie Boys’ licensing history since August 2013 (REDACTED)	
268 ¹	Ruckus in the Rockies 2012 Video: Timing of Musical Components	
269	Song Lyrics in Ruckus in the Rockies 2012 Video	
270	Facebook post by Monster Energy	March 20, 2014
276	Snowboard Canada article entitled “Ruckus in the Rockies recap edit” (REDACTED)	May 10, 2012
281	Exhibit 3: Documents Considered annexed to Expert Report of Dr. Erich Joachimsthaler	August 13, 2013

¹ Plaintiffs’ Exhibits 268, 269, and 281, and Defendant’s Exhibit 128 were offered into evidence at trial, but not included on the list of exhibits submitted to the jury. The parties reserve their rights as to whether and how these exhibits should be considered in connection with Defendant’s appeal.

Defendant's Exhibits In Evidence

Exh. No.	Description	Date
6	Email chain between Zach Sciacca and Nelson Phillips	May 10, 2012 -
7	Email from Zach Sciacca to Lorrie Boula [redacted]	June 5, 2012
10	Email chain between LeRoy Nichols, Nelson Phillips and Jay Vaillancourt	June 13, 2012
57	Nixon - Powder and Rails Master Use License Agreement	February 13, 2012
58	Nixon – License Agreement	February 17, 2012
60	ESPN Winter X Games 15 – Television Master Use License Agreement	June 1, 2011
62	ESPN Winter X Games 15 – Short Form License Agreement	January 1, 2011
63	Nike SB Chronicles – Master Use License Agreement	December 21, 2011
64	The Action Sports and Music Awards –ESPN Master Use License Agreement	February 2, 2001
74	Correspondence in connection with Hancock (Trailers)	March 18, 2008
78	Quote and use confirmation in connection with Hangover Part II (Trailer)	April 8, 2011
83	Nixon Beastie Boys Time Teller	
85	ESPN Winter X Games 15 Video	
86	Nixon – Video	
87	Nike SB Chronicles – Video	
88	Screen shot of Z-Trip's website	
107	Nixon Beastie Boys Time Teller	
108	Picture of Michael Diamond	
109	Michael Diamond watch	
114A-O	Janet Jackson – BlackGlama	
124	Email chain between Kell Curtis and Brent Hamilton	August 14, 2012

Exh. No.	Description	Date
128	Chart reflecting expert opinion on damages	
132	Email from Jennifer Hall to Adam Yauch, Adam Horovitz and Michael Diamond	May 1, 2011

Copies of those exhibits are annexed as Attachments 1-92.

Dated: September 15, 2015

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